

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.9332 of 1996

DATED:17.08.2006

Between:

V. Gopal

..Petitioner

And

Collector, Chittoor District, Chittoor and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO
WRIT PETITION No.9332 of 1996

ORDER:

The petitioner filed the instant Writ Petition seeking a *Mandamus* to declare the action of the respondents, namely, the District Collector, Chittoor, and the Mandal Revenue Officer, Satyavedu Mandal, in trying to dispossess him from the lands comprised in survey Nos.114-1,114-3,

114-4, 114-11, 114-12, 114-17, 114-28, 114-29, 114-30, 114-31, 114-32, 114-33, 119-1, 119-2, 119-3 and 119-4, admeasuring Acs.8.64 cents situated at Chinna Eetipakam Village of Satyavedu Mandal in Chittoor District, as illegal and arbitrary.

It is the case of the petitioner that he purchased the property from Smt. Ammakannamma and three others under registered sale deeds, dated 16.11.1989 and is in possession of the land and cultivating the same. However, at the behest of the local M.L.A., the Mandal Revenue Officer instructed/directed him to vacate the land on the ground that it is an assigned land. The allegation is made that no notice is issued to the petitioner.

The Mandal Revenue Officer, Satyavedu, has filed a counter-affidavit. It is stated that the land in possession was assigned to eight residents of Chinna Eetipakam Village from whom the petitioner purchased in contravention of provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 ("the Act", for brevity). Therefore, action was initiated and notices were issued to the petitioner and eight others *vide* Roc.No.B/143/82/95, dated 26.04.1995. As the petitioner was not residing in the village, the notice was served by substitute service by affixing the notice to a pole, where the land is situated and thereafter, the Mandal Revenue Officer issued proceedings bearing D.Dis.No.143/82/95, dated 12.07.1995, resuming the land to Government for contravention of provisions of the Act. Subsequently, the land was taken possession under the cover of panchanama, dated 18.07.1995, and the same has been reassigned by way of restoration to the original assignees. It is also alleged that the petitioner is working in Ashok Leyland Company and is not residing in the village. Though the counter-affidavit is filed along with the vacate stay application on 24.07.2004, no reply affidavit is filed.

The learned counsel for the petitioner contends that the petitioner was not even issued a notice and affixing the notice to the pole near the land is not an effective mode of service. Therefore, he would urge

that any order passed under the provisions of Section 4 of the Act for resumption of the land is void and is not binding as against the petitioner. This is refuted by the learned Assistant Government Pleader for Revenue (Assignment).

The allegation made in the counter-affidavit that the notice was affixed to the pole near the land is not denied. Therefore, the question is whether such mode of service of notice is effective under the legal dispensation. There cannot be any dispute that in Revenue Summons/Rules, when a person is not available in the village, it is always permissible to affix the notice at village chavadi or to a pole near the land, which is deemed to be an effective service. On this ground, therefore, the action of the respondents cannot be interfered. Further, the petitioner admittedly purchased the assigned land and therefore, his purchase itself rendered void by reason of Section 3(2) of the Act and when the land is already restored possession to the original assignees, he cannot now enforce any right, which he obtained under a void transaction.

The writ petition is devoid of any merit and is accordingly dismissed. There shall be no order as to costs.

(V.V.S.RAO, J)

17.08.2006
GJ